

REMARKS

Claims 1, 38 and 41 are pending in the application and are currently rejected. In addition, claims 2-4 were examined, although these claims were canceled by applicant in their March 5, 2003, response (Paper 17). Support for amendments to claim 1 appears in the specification at least, *e.g.*, at page 44, lines 27-29. No new matter has been added.

Objections are Overcome.

The specification has been amended to remove any embedded hyperlink and/or other form of browser-executable code, as requested by the Examiner. No new matter has been added. Applicants request that this object be withdrawn.

35 U.S.C. §101 Utility Rejections are Overcome.

The Examiner has maintained the rejection of claims 1-4, 38 and 41 for lack of ‘substantial utility’ as required under 35 U.S.C. §101. Further on page 5 of paper no. 18, the Examiner has indicated that additional data in diseased tissue vs. normal tissue could overcome the rejection.

Accordingly, Applicants file herewith Dr. Guo’s Rule 132 Declaration, which notes increased expression in kidney cancer tissues versus appropriate normal adjacent control. The ARDAIS Kidney v1.0 panel analyzes expression in both primary tumors and the adjacent normal tissue obtained from patient populations. The expression data therefore directly reflects primary tumor expression as compared with a healthy tissue control. Expression analysis is not based solely on expression in various cell lines, as indicated by the Examiner.

Further, and as a courtesy, the RTQ-PCR panels (Panel v1.7 and v3.2) that were presented in the first office action response (as a part of Dr. Patturajan’s declaration) are presented in Appendix A. Taken together, these results present substantial real world utility for SEQ ID NO: 20 in specific diagnostics and therapeutics for various cancers. Furthermore, pages 3-6 of the instant specification disclose uses of AMF polypeptides, which include a role in at least cancer of the kidney, in addition to various other cancers. The RTQ-PCR results presented in Table 22 on page 124 and in the declaration further supports this disclosed use.

Applicants state that this rejection is moot and request that it be withdrawn.

Rejections under 35 U.S.C. §112, 1st and 2nd paragraphs, are Overcome.

The Examiner has rejected claims 1-4, 38, 41 for want of written description and being indefinite as regards to the claim recitation of 'a mature form', where the use of an "a" rather than "the" in this phrase is said to be confusing as to the limitations of the claim. Applicants had claimed "a" mature form to comply with antecedent basis requirements mandated when introducing a claim element for the first time. However, Applicants have now complied with the Examiner's suggestion and have amended the claim as requested.

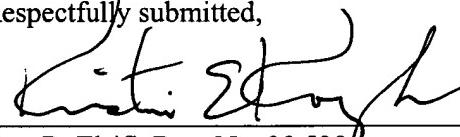
Support for the mature form, describing the signal peptide cleavage site for SEQ ID NO: 20, can be found on page 44, lines 27-29. This rejection is now moot, and Applicants request that the rejection be withdrawn.

CONCLUSION

This response is being filed with an accompanying Petition for a 2 month extension of time with the appropriate fee under 37 C.F.R. §1.17(a)(2). No additional fee is believed due at this time. The Commissioner is hereby authorized to charge payment of any additional filing fees required in connection with the papers transmitted herewith, or credit any overpayment of same, to Deposit Account No. 50-0311 (Reference No. 15966-750).

Should any questions or issues arise concerning the application, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,



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